

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TESSERA, INC.,

Plaintiff,

v.

ADVANCED MICRO DEVICES, INC. et al.,

Defendants.

AND RELATED COUNTERCLAIMS.

No. C-05-4063 CW

ORDER GRANTING THE
ASP DEFENDANTS'
MOTION FOR A
TEMPORARY
RESTRAINING ORDER

Defendants Siliconware Precision Industries Co., Ltd.,
Siliconware USA, Inc., STATS ChipPAC Ltd., STATS ChipPAC (BVI)
Limited, STATS ChipPAC, Inc., Advanced Semiconductor Engineering,
Inc., ASE (U.S.) Inc., ChipMOS Technologies, Inc. and ChipMOS,
U.S.A., Inc. (collectively, the ASP Defendants) move for a
temporary restraining order prohibiting Plaintiff Tessera, Inc.
from initiating an action against them before the International
Trade Commission (ITC), or in any other way seeking relief against
them outside of California. Plaintiff opposes the ASP Defendants'
motion. The matter was submitted on the papers. Having considered
all of the papers submitted by the parties, the Court grants the
ASP Defendants' motion.

To obtain a temporary restraining order, the moving party must

1 establish either: (1) a combination of probable success on the
2 merits and the possibility of irreparable harm, or (2) that serious
3 questions regarding the merits exist and the balance of hardships
4 tips sharply in the moving party's favor. See Baby Tam & Co. v.
5 City of Las Vegas, 154 F.3d 1097, 1100 (9th Cir. 1998); Rodeo
6 Collection, Ltd. v. W. Seventh, 812 F.2d 1215, 1217 (9th Cir.
7 1987).

8 The Court finds that the ASP Defendants have made a sufficient
9 showing of likely success on the merits of their claims and of
10 irreparable harm to justify granting the relief they seek.
11 Therefore, their motion for a temporary restraining order is
12 GRANTED. Plaintiff shall not initiate an action against the ASP
13 Defendants before the International Trade Commission (ITC), or in
14 any other way seek relief against them outside of California, for
15 infringement of the patents that are the subject of the license
16 agreements between them. This temporary restraining order is
17 effective on the ASP Defendants' posting a bond in the amount of
18 \$1,000.

19 The parties are ordered to appear before the Court on October
20 23 at 2:00 p.m., at which time oral argument will be heard on the
21 ASP Defendants' motion for a preliminary injunction. No additional
22 written submissions may be made.

23 IT IS SO ORDERED.

24
25 10/10/07

26 Dated: _____



27 CLAUDIA WILKEN
28 United States District Judge